

Bill Number: SB 763
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION OF SENATE BILL 763
OFFICE OF THE STATE'S ATTORNEY – COLLECTION AND PUBLICATION OF
CRIMINAL CASE AND PROSECUTORIAL INFORMATION

I write in opposition to Senate Bill 763, Collection and Publication of Criminal Case and Prosecutorial Information as a slightly masked effort to accomplish what was introduced last year as Senate Bill 456 but then withdrawn. Last year, practically every State's Attorney in this State voiced extreme concerns regarding the Bill and pointed to the insurmountable expense it would demand to accomplish the directive of the legislation. In last years' bill, all of the obligations were on the State's Attorneys. This years' bill attempts to give the impression that the financial burden would not be on the State's Attorneys by requiring all of the compilation of information to be the responsibility of the Administrative Office of the Courts. However, it will be exceedingly clear that a large amount of the information and data is not known or available to the Administrative Office of the Courts. The Bill requires all the State's Attorneys to "cooperate" with the Administrative Office of the Courts to give them the information necessary for them to compile the information. The expense and staffing necessary from the State's Attorneys Offices would be the same as if the requirement was directly upon us.

The bill requires over 100 data points. Many of those are not currently recorded. The data points would have to be compiled on every case in Baltimore County. Baltimore County often handles up to 40,000 criminal cases a year. That would conceivably mean that up to 4 million data points would need to be entered into a currently non-existent data system for the State's Attorney to then pass this information on to the Administrative Office of the Courts.

Some of the information required is fairly easily accessible in a case management system if the particular State's Attorney's Office has one in place. Some of the information would not be in the case management system and would require an inquiry of the particular prosecutor or staff member who handled any distinct part of the prosecution of the case. In addition, some of the information required is not information within the knowledge and control of the State's Attorney's office and would require research through the files (electronic or hard file) of the Judiciary or other agencies involved in the criminal justice system.

Baltimore County has conservatively estimated that we would be required to hire at least 11 new employees. In Fiscal Year 2023 it will cost Baltimore County a minimum

of over \$800,000.00. That number will likely reach one million soon thereafter and will continue forever.

Senate Bill 763 comes with no money. Interestingly, while the Bill requires that a criminal Defendant's name not be used but replaced with a "unique identifier," the name of the prosecutor who charged the case is named. In addition, the names of those who helped in the risk assessment, the Presiding Judge, and the sentencing Judge have to be named.

The next part of the proposed legislation requires each State's Attorney's Office to place on a public website all office policies with regard to practically everything this office does and are listed at pages 8 and 9 of the bill. Policy would include manuals, training materials, directions, instruction and "any other piece of information." This would be both an impossible task and an inappropriate infringement upon the work product and internal function of our offices.

Simply put this is costly without providing funds and infringes on the privacy of employees in every State's Attorney's Office in the state.

I urge an unfavorable report.